

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

RICK OLMSTEAD,

Plaintiff,

v.

SECRETARY OF THE NAVY, RAY  
MABUS,

Defendant.

CASE NO. C13-5051 BHS

ORDER GRANTING  
PLAINTIFF'S MOTION AND  
DENYING DEFENDANT'S  
MOTION AS MOOT

This matter comes before the Court on Defendant Ray Mabus's ("Defendant") motion to dismiss (Dkt. 34) and Plaintiff Rick Olmstead's ("Plaintiff") motion for leave to amend (Dkt. 36).

On March 27, 2014, Plaintiff filed an amended complaint alleging a cause of action for employment discrimination under state law. Dkt. 33. On April 3, 2014, Defendant filed his motion to dismiss and Plaintiff subsequently filed his motion to amend because, as both parties agree, the cause of action should have alleged a violation under federal law. Therefore, the Court **GRANTS** Plaintiff's motion to amend and

1 **DENIES** Defendant's motion to dismiss as **moot**. Plaintiff shall file the amended  
2 complaint as a separate entry on the electronic docket.

3 **IT IS SO ORDERED.**

4 Dated this 21st day of May, 2014.

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7 BENJAMIN H. SETTLE  
8 United States District Judge  
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